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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/211,268	12/14/1998	JUNJI KOBAYASHI	B208-1002	7286

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ROBIN BLECKER & DALEY
2ND FLOOR
330 MADISON AVENUE
NEW YORK, NY 10017

EXAMINER

GENCO, BRIAN C

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/02/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/211,268

Applicant(s)

KOBAYASHI ET AL.

Examiner

Brian C Genco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 13-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) 21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 22 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Applicant's amendment has overcome the 35 U.S.C. 102(a) rejection of claims 21 and 22. As such, new grounds of rejection are presented bellow.

Allowable Subject Matter

Claims 1-12 are allowable over the prior art of record. See reasons for allowance for claims 1-12 in Paper No. 12.

Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

In regards to claim 22 the prior art does not disclose nor fairly suggest the video camera of claim 21 wherein the first shaft is approximately parallel with an incident optical axis and said second shaft is approximately perpendicular to the incident optical axis. Examiner notes that one of ordinary skill in the art would recognize the combination of Kawaguchi and Takagi as described bellow, however in this combination both shafts would be perpendicular to the incident optical axis.

Claim Objections

Claim 21 is objected to because of the following informalities: the section of the claim "and a second member for ... where said display part is first position" is not grammatically correct. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over (WO98/46022 to Kawaguchi) in view of (USPN 6,226,448 to Takagi et. al.).

In regards to claim 21 Kawaguchi clearly discloses all of the claim limitations in Fig. 1 except for the second member for enabling said display part to rotate around a second shaft different from said first shaft. Takagi et. al., herein Takagi, discloses the ability to rotate a display so as to enable a user to view the LCD screen from a plurality of different angles as depicted in Figs. 21-23. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added a second member for enabling said display part to rotate around a second shaft different from said first shaft to Kawaguchi's invention in order to enable a user to rotate a display so as to enable a user to view the LCD screen from a plurality of different angles as depicted in Figs. 21-23.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over (WO98/46022 to Kawaguchi) in view of (USPN 6,226,448 to Takagi et. al.) in further view of (USPN 5,982,429 to Kamamoto et. al.).

In regards to claim 23 neither Kawaguchi nor Takagi disclose nor preclude a sound output device which outputs a sound in company with display of reproduced image at said display part, wherein said sound output device is disposed at a portion of the side face of said video camera body on which said display part is connected to the video camera body, and is

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arranged to be exposed outside when said display part is in the first position and to be covered by said display part when said display part is in the second position. Kamamoto et. al., herein Kamamoto, discloses a speaker located under the LCD display on the camera body as shown in element 41 of Fig. 5 and described on column 9, lines 25-38. Examiner notes that Kamamoto discloses that the speaker is only used when the LCD is open (column 10, line 16 – column 17, line 9; column 11, lines 37-42). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added a speaker to Kawaguchi's camera in order to enable a number of people to simultaneously see and enjoy a reproduced image (column 11, lines 43-47; Kamamoto). Further it would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the speaker under the LCD since it is only used when the LCD is open as disclosed by Kamamoto.

In regards to claim 24 see Examiner's notes on the rejection of claim 23. Note element 38c of Fig. 5 and column 11, lines 37-42. Note that it would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the sound-volume adjusting device under the LCD since it is only used when the LCD is open as disclosed by Kamamoto.

In regards to claim 25 see Examiner's notes on the rejections above. Note element 40 of Fig. 5 and column 9, lines 11-24. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have added an operation device for displaying a reproduced image at said display part in order to enable manipulation of playback functions. Further, it would have been obvious to one of ordinary skill in the art at the time of the invention to have placed the operation device under the LCD so as to prevent accidental use of the operation buttons during image pickup using the EVF (column 9, lines 14-19).

Conclusion

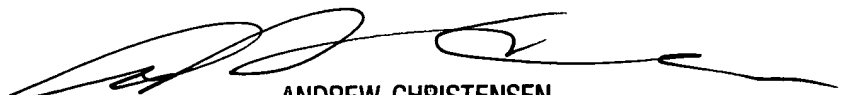
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian C. Genco who can be reached by phone at 703-305-7881 or by fax at 703-746-8325. The examiner can normally be reached on Monday thru Thursday 7:30am to 4:30 pm and every other Friday 7:30am to 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is 703-308-4357.

Brian C Genco
Examiner
Art Unit 2615

January 21, 2004



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600